**IN THE UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF NEBRASKA**

| | | |
|---|---|---|
| **UNITED STATES OF AMERICA,** | ) | |
| | ) | **8:12MJ377** |
| **Plaintiff,** | ) | |
| | ) | |
| **vs.** | ) | **DETENTION ORDER** |
| | ) | |
| **NOE ALBERTO ALAS-MIRANDA,** | ) | |
| | ) | |
| **Defendant.** | ) | |

A. **Order For Detention**
After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on December 18, 2012, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).

B. **Statement Of Reasons For The Detention**
The Court orders the defendant's detention because it finds:
_X_ By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
___ By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.

C. **Finding Of Fact**
The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:
_X_ (1) Nature and circumstances of the offense charged:
 _X_ (a) The crime: having previously been removed from the United States, being found in the District of Nebraska after having re-entered the United States without the consent of the Attorney General or his successor in violation of 8 U.S.C. § 1326(a) and subject to two years imprisonment.
 ____ (b) The offense is a crime of violence.
 ____ (c) The offense involves a narcotic drug.
 ____ (d) The offense involves a large amount of controlled substances, to wit:
____ (2) The weight of the evidence against the defendant is high.
_X_ (3) The history and characteristics of the defendant including:
 (a) General Factors:
 ____ The defendant appears to have a mental condition which may affect whether the defendant will appear.
 _X_ The defendant has no family ties in the area.
 _X_ The defendant has no steady employment.
 _X_ The defendant has no substantial financial resources.
 _X_ The defendant is not a long time resident of the community.
 _X_ The defendant does not have any significant community ties.
 _X_ Past conduct of the defendant: use of an alias name.
 ____ The defendant has a history relating to drug abuse.
 ____ The defendant has a history relating to alcohol abuse.
 ____ The defendant has a significant prior criminal record.
 ____ The defendant has a prior record of failure to appear at court proceedings.
 (b) At the time of the current arrest, the defendant was on:
 ____ Probation

____ Parole
____ Release pending trial, sentence, appeal or completion of sentence.

(c) Other Factors:

_X_ The defendant is an illegal alien and is subject to deportation.
____ The defendant is a legal alien and will be subject to deportation if convicted.
_X_ The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.
____ Other: ________________________________________

D. **Additional Directives**

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 18, 2012. BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge